



CMP(MD). No.9990 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD). No.9990 of 2023
in
SA.No.1510 of 1998

1. Vaithiammal
2. SP.Rengammal (Died)
3. R.Ganesan (Died)
4. RM.Shanmugam
5. Muthathal

... Petitioners 1, 4 & 5/
Appellants 1 to 5

6. Velayutham
7. Banumathi
8. S.Vallimayil
9. Kaliasammal
10. Muruganantham
11. Karpagam

... Petitioner 6 to 11/
Proposed Appellants 6 to 11

12. S.Saminathan

(Petitioner No.12 is impleaded as per the order of this Court dated 29.09.2023 made in CMP(MD).No.13253 of 2023 in SA.No.1510 of 1998)

Vs

- 1 Kamalambal Achi (Died),
- 2 AL.VR.AL.Subramanian Chettiar
- 3 Kailasa Thevar(Died)



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4 Rukmani

5 Muthuraman

6 Shanmugam Asari

7 Sathyeya Ammal

8 SP.Ramiah,(Died)

9 Venkatachalam Pillai

10 Chellaiah

11 Kalyaniammal

12 Perumal Naidu

13 SP.Periasami

14 Karuppiah

15 AL.VR.Ramanathan Chettiar

16 AL.VR.AL.Veerappan Chettiar

17 M.Ramanathan

18 M.Subramanian

19 S.V.Krishnan

20 Panchavarnam

21 G.Alagammal

22 G.Muthukumar

<https://www.mhc.tn.gov.in/judis>



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23 Srikumar

24 G.Vasantha

25 Kayambu

26 Rajeswari

27 Lalitha .. Respondents No.1,2,4 to 7,9 to 27/
Respondents No.1 to 27

28 P.Valliappan

29 P.Kamala

30 Kayalvizhi

31 Nepolian

32 Vasanthi

33 Muthulakshmi

34 M.Ponnathal

... Respondents No.28 to 34/Proposed
Respondents No.28 to 34

Prayer :-

Civil Miscellaneous petition filed under Order 41 Rule 19 of CPC 1908 to set aside the dismissal order dated 25-03-2019 made in S.A.No.1510 of 1998 on the file of this court and restore the same.



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Prayer in SA No.1510 of 1998:

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Second Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree of the Learned District Judge, Sivagangai, dated 24.12.1996 in A.S.No.15 of 1996 confirming the judgment and decree of the Learned Subordinate Judge, Sivagangai in I.A.No.256 of 1990 in O.S.No.31 of 1976 dated 07.10.1994.

ORDER:- This Civil Miscellaneous petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. V.George Raja, Advocate for the Petitioner and of Mr.N.Tamilmani, Advocate for the Respondents No. 26 and 27, Mr.G.Prabhu Rajadurai Advocate for the Respondents No.28 and 29, this Court made the following order:

"This petition has been filed to set aside the order of dismissal, dated 25.03.2019 made in SA.No.1510 of 1998 on the file of this Court.

2. The learned counsel appearing for the contesting respondent Nos. 28 and 29 have no objection for allowing this petition.



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3. In view of the said submission, this petition is ordered subject to the condition that the learned counsel for the appellants be ready for argument in Second Appeal as and when the matter is posted for hearing, without seeking further adjournment."

Sd/-

Assistant Registrar(C.O)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

TO

1. The District Judge,
Sivagangai.
2. The Subordinate Judge,
Sivagangai.

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court. Madurai.(2 Copies).



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ORDER DATED : 23/01/2024

NEXT DATED : 12/02/2024

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ORDER

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in

SA.No.1510 of 1998

SI-(02.02.2024) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.